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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

)
Florida Public Service Commission's)
Petition for Additional Authority)
To Implement Number Conservation)
Measures)

CC DOCKET 96-98
NSD File No. 99-33

Received
MAY 17 1999
Common Carrier Bureau
Network Service Division
Office of the Chief

COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION

The United States Telephone Association (USTA) hereby files its comments on the petition filed by the Florida Public Service Commission (Florida) for additional authority to implement various number conservation measures in the above-captioned proceeding.¹ USTA is the principal trade association of the local exchange carrier (LEC) industry. Its members provide over 95 percent of the exchange carrier-provided access lines in the United States.

In its petition, Florida seeks delegated authority to force sharing of NXX codes in rate centers, reclaim unused and reserved codes, reclaim unused and reserved central office codes, maintain code rationing measures "for at least six months after the implementation of all area code relief plans," implement rate center consolidation, use the Line Number Utilization Survey (LINUS) to run NXX reports quarterly and to order wireless carriers to report usage to the Florida

¹ Public Notice, DA 99-725, released April 15, 1999 (Public Notice).

Commission. In addition, Florida wants the Commission to direct the North American Numbering Plan Administrator (NANPA) to update the Central Office Code Utilization Survey (COCUS) quarterly and establish code allocation standards to more efficiently manage numbering resources.

The Maine petition is the fourth request of a state filed with the Commission since February seeking similar individual state relief to deal with number shortages.² These petitions generally seek similar relief—that the needs of their state are so severe that they need to fashion a state-specific plan to address their numbering problems. The arguments against granting such relief are also similar. As USTA cautioned in the Maine proceeding, the Commission should take immediate action that favors the industry processes underway for number conservation over the individual state requests if the Commission and the industry are to be spared an endless, resource draining, parade of “me too” petitions on number conservation authority. Such action would make it clear to states that their individual but similar requests for relief are not in order.

As with the other states, the relief requested by Florida will not solve the numbering problems that Florida faces. They are so vaguely stated that they could not form the basis for grant of a waiver, even if they had merit, and if granted, would serve to undermine the national programs and development of orderly national measures that could result in national anarchy in assignment of numbering resources.

² See New York Department of Public Service Petition, NSD File No. L-99-21 (New York Petition), Massachusetts Department of Telecommunications and Energy Petition, NSD File No. L-99-19

Furthermore, as with other recently-filed petitions of other states, Florida seeks authority in contravention of the orderly process of administering numbering resources that the Commission has prescribed.³ Particularly, the relief that Florida requests in this petition is also the subject of petitions for reconsideration filed by several states of the Commission's *Memorandum Opinion and Order and Order on Reconsideration* in Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, NSD File No. L-97-42, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98 (Pennsylvania Order).⁴ Those petitions are pending before the Commission. USTA opposed the relief requested by Maine and other states in its February 4, 1999 Opposition. The arguments made by USTA against the state petitions apply to this proceeding and are hereby incorporated by reference.

USTA believes that this petition constitutes a "second bite of the apple," taken even before confirmation of the fact that challenges to the Pennsylvania Order have been unsuccessful. Having failed to overturn the basic structure of the Pennsylvania Order, this challenge proposes that the Commission grant Florida broad powers to implement multiple options for conservation of numbers and NXX codes absent any assurance that these measures will not create conflicts with ongoing national efforts to address these issues.

(Massachusetts Petition) and Maine Public Utilities Commission Petition, NSD File No. L-99-27(Main Petition).

³ 47 C.F.R. Part 52.

⁴ FCC 98-224, released September 28, 1998.

USTA recognizes that many of the concerns about assignment guidelines and enforcement cited in the Florida pleading are valid. USTA has stated its willingness to participate in national activities to resolve such issues.⁵ However, USTA strongly disagrees with the assertion that Florida be permitted to make independent determinations of what types of relief are appropriate, the structural characteristics of these conservation measures, and be delegated the power to mandate their implementation. The Commission, having asserted its preemptive authority over numbering issues, must now determine that states must not be permitted to frustrate ongoing national efforts to address these issues through the "back door" of delegation of broad authority.

The current situation in Florida as described by the Florida petition requires the industry's best efforts to address the issues of relief. These problems would be best addressed in Florida and the nation if Florida would aggressively address the issues of planning for relief in that state, meaningfully addressing conservation and administration issues and participate in national efforts being conducted under the direction of the North American Numbering Council (NANC). These efforts, when finalized and implemented, will actually improve the utilization of national numbering resources as intended, in an efficient, cost effective and consistent national structure.

Despite the fact that the substance of many of Florida's requests has been addressed in USTA's comments on other states' petitions, some of the specific relief requests contained in the Florida petition are addressed below.

⁵ See USTA's Comments on the Maine Petition at 5, n.8.

1. Quarterly LINUS and COCUS Reports

Florida requests authority to use LINUS to run NXX reports quarterly.⁶ In the very next paragraph, Florida petitions the Commission to require NANPA to update the COCUS report quarterly.⁷ At the outset, USTA is compelled to state that LINUS was proposed by Lockheed Martin as an opening suggestion in the national inquiry into what reporting system should replace COCUS, if any. LINUS consists of an extreme set of requirements that would be enormously difficult, time consuming and costly to implement, and the value of the result in planning for exhaust is not evident. At this time, the Number Resource Optimization Working Group (NRO) is formulating recommendations on reporting usage of numbering resources to the NANC. For Florida to ask the Commission to order NANPA to update COCUS, the reporting structure that could be superseded by LINUS, on a quarterly basis is illogical. Each of these requests is without merit, but the two requests stated together, as they are here, is inappropriate.

Florida is in possession of sufficient data to determine which area codes are exhausting and should be well aware of the measures that must be taken. Relief planning is an action that Florida does have responsibility for and has adequate data to support. In addition, these requests, if granted, would undercut ongoing national processes. Florida should responsibly address the obligations it now has, rather than petition the Commission for leave to implement programs that would divert resources from immediate needs.

⁶ Florida petition at 5.

⁷ *Id.*

2. Rate Center Consolidation

Florida already has authority to implement rate center consolidation, but rate center consolidation is not a short term relief measure.⁸ If Florida wants to use rate center consolidation to solve its number conservation problems, it can be a valuable long term measure. However, Florida cannot escape the complexity of the issues that must be resolved to implement rate center consolidation by petitioning the Commission. This request completely misses the mark and should be dismissed.

3. Maintenance of Central Office Code Rationing Measures

The measures that Florida asks to place in effect to relieve the pressure on numbering resources would choke the supply of numbering resources to service providers that need them. The authority to maintain restrictions in effect after implementation of relief will certainly control demand for resources, but the demand is not "artificial." Rather, it is the natural effect of constriction of supply of a resource essential to the provision of telecommunications resources - customer addresses. The effect of grant of the request would be to continue to choke legitimate demand for numbering resources, even after relief had been implemented. Florida's request should be rejected as contrary to making telecommunications service available in Florida.

4. Expanded Deployment of Permanent Number Portability and Thousand Block Pooling

As indicated above, the industry is vigorously addressing the structure of thousand block pooling in the NANC process. The number of individuals in the

⁸ See USTA Opposition to Petitions for Reconsideration of the Pennsylvania Order at 8.

industry that are expert in making the necessary determinations is quite limited. The demands on their time is significant and a many complex issues must be resolved. There are significant implications for administration of the pools, requirements on the NPACs, and economy⁹ of the measures that are implemented.

The industry does not have access to the resources necessary to conduct multiple parallel activities in order to make differing determinations on these issues. Mandatory implementation of state-specific versions of thousand block pooling would divert critical resources from the national effort. Because of these interactions, grant of the authority requested could actually slow the resolution of these issues on a national basis. The Commission and the industry cannot afford this result.

The increase in cost of deployment of various types of pooling across the United States could be enormous. Many LECs that operate in the 100 MSAs in which LNP has been deployed operate across multiple state regions. The operational implications of number pooling are significant, requiring major development, time and expense to accomplish. If multiple forms of pooling are implemented in different states, the increase in cost required for a company to deploy multiple state-specific versions could be drastically increased. This would

⁹ It is to be noted that the costs for these activities must be recovered by the carriers. In the case of expenses that must be borne directly by the carriers, regulated carriers must be provided with recovery mechanisms and non regulated carriers must determine the methods by which they will recover their costs. Other costs that relate to administration activities will be recovered from the industry on an overall basis through the NBANC. An essential element of the planning activity is that the most economical and effective measures be identified and designed, and that effective means for recovery of the costs be implemented.

have the effect of delaying deployment of effective measures and increasing the cost of those that are deployed.

Should pooling be deemed to be in the public interest, that decision should be made at the national level and its implementation should be governed by national standards, rather than on a piecemeal basis, as would result if the Florida request were granted.

5. Unassigned Number Porting (UNP)

The industry has determined that the priority pooling opportunity available is thousand block pooling, and that available resources must be focused on that. Many elements of UNP are not well understood and until they are, applicable processes cannot be developed. To begin the effort to implement this measure at this time would divert essential industry resources from resolution of the issues that must be addressed before thousand block pooling can be deployed. The industry does not have the resources available to pursue UNP at this time.

Furthermore, the problems with UNP are well known and have been described in the Number Resource Optimization Report.¹⁰ They are also recounted in comments in the Commission's proceeding on the Massachusetts Petition and the New York Petition. The industry is working toward establishment of standards for pooling and considering the costs of its implementation. The last thing that is needed at this time is state-specific implementation of any pooling method, let alone one so defective as UNP. For these reasons, the Florida request should be denied.

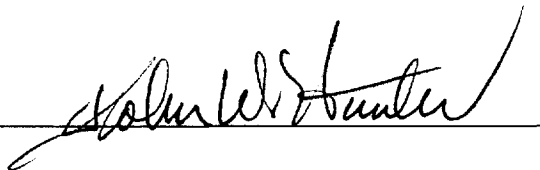
¹⁰*Number Resource Optimization Working Group Modified Report to the North American Numbering Council on Number Optimization Methods*, October 21, 1998, at 129-130 (NRO Report).

Conclusion

The Florida petition consists of ill-conceived, unsubstantiated requests for authority. Its dual plea for quarterly LINUS and COCUS updates illustrates that this is a frantic attempt to cast as wide a net as possible on the sea of number exhaust without regard to the implications on affected parties or the long term solutions to the overall number shortage problems facing the nation. For the reasons stated herein, the Commission should deny the Florida petition. The Commission and the industry must concentrate on the national process to resolve the outstanding issues for which Florida has requested additional authority. It should further act swiftly to address on a generic basis the matters raised by individual states in their waiver petitions.

Respectfully submitted,

UNITED STATES TELEPHONE ASSOCIATION

By 

Its Attorneys:

Lawrence E. Sarjeant
Linda L. Kent
Keith Townsend
John W. Hunter

1401 H Street, N.W.
Suite 600
Washington, D.C. 20005
(202) 326-7375

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